



Shine A Light Content Series

DPO Insights

28th January 2019

In celebration of World Data Protection Day

***Being a DPO forces me to stretch myself
(admittedly sometimes to the point where
chocolate is required)***

Claire Robson, Great Ormond Street Hospital

***No day is the same as
the one before***

Miles Briggs, TUI Group

***Knowing and being able to explain
what the law requires is not enough***

Emma Butler, Yoti

***Passion and enthusiasm nearly always
turn what can be a dry subject into one
that captures the imagination***

Michael Bond, News UK



Introduction

GDPR firmly put the role of *Data Protection Officer* in the spotlight, and this is unlikely to change in the years to come. To celebrate Data Protection Day 2019, we wanted to explore the challenges, the opportunities and why being a DPO can be such a rewarding role.

Eight data protection officers rose to our challenge, albeit a rather minor one compared with GDPR implementation, and kindly provided their answers to our five questions.

Find out what they enjoy about being a DPO, the problems they've had to overcome and what it takes to do the job. Also, discover the areas where more guidance is sought and the challenges in store for the year ahead.

Meet our 8 Data Protection Officers

Michael Bond



Miles Briggs



Emma Butler



Gerald Coppin



Matthew Kay



Richard Merrygold



Claire Robson



Susan Voss





Michael Bond

Head of Data Protection and
Commercial Data Protection Officer at
News UK

Q1. What do you enjoy most about being a DPO?

Every day is different. The DPO is engaged in every project across the organisation that involves personal data, giving you incredible opportunities to contribute to the commercial and strategic direction.

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

It would be great to see more detail on the changes that have been made to existing guidance by the ICO. We know they are working hard to develop new and existing guidance but it can be tricky to tell what detail has been added, removed etc. The ICO's GDPR pages are incredibly useful and this should continue to be developed.

Q3. What was the biggest challenge you had to overcome in 2018?

There was a considerable amount of compliance fatigue by May this year. Teams had been working flat out for the better part of twelve months on our GDPR transformation project and had really had enough by the time the GDPR came into play.

There was no doubt that the project had been a tremendous success to that point, but it became painfully apparent to those more used to project deadlines, that GDPR didn't end on the 25th May. We used the launch of the new regime as an opportunity to pause, recognise success and then double down on the remaining items that needed to be completed.

Q4. What advice would you give to someone looking to move into a DPO role?

Passion and enthusiasm nearly always turn what can be a dry subject into one that captures the imagination - the same is true of data protection and privacy.

Q5. What do you see as the major challenge(s) in the year ahead?

Compliance needs to be hard coded, in every respect, into your people and systems to facilitate compliance with your obligations. Yes, GDPR was about ensuring you had the right policies and processes in place to facilitate compliance but that alone isn't enough. Systems and people need to change too.

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Miles Briggs

Data Protection Officer at TUI UK & Ireland, TUI Group

Q1. What do you enjoy most about being a DPO?

The variety of the role, no day is the same as the one before. There is also a good mix of being reactive to situations that arise that need a swift resolution and a proactive more strategic part which needs clarity of thought and a clear vision.

TUI UK & Ireland is a large and complex business and as DPO I get involved with all areas of the organisation to give advice on aspects of data privacy alongside our Legal and Information Security teams. Being part of the GDPR project – one of the largest and widest reaching that the business has ever executed – has been both challenging and also extremely rewarding. It's given me a fantastic and comprehensive insight in to how all areas of the business operate.

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

An update on breach reporting would be helpful. The ICO has spoken previously about the issue of over-reporting and from the number of self-reported breaches that have been publicised recently it would seem as if there are a lot of breaches being reported that may not need to be.

It would also be good to have really clear guidance from the ICO once the revised Privacy and Electronic Communications Regulation is produced about any changes on a practical level, particularly around consent and online marketing.

Q3. What was the biggest challenge you had to overcome in 2018?

It's difficult to say anything other than implementing GDPR itself. And that's largely due to the complexity of TUI UK & Ireland which makes it all the more of a challenge. However, we started the project in good time and had very good support from the Executive Board and key stakeholders.

We also had an extremely talented project team, which helped considerably and we were able to break the whole project down into achievable and measurable milestones.

One of the most resource and time intensive parts of the project was the need to update a large number of contracts and agreements. This was led by the in-house legal team supported by some additional external support in some areas.

Miles Briggs

Data Protection Officer at TUI UK & Ireland, TUI Group

Q4. What advice would you give to someone looking to move into a DPO role?

It can be very demanding dealing with both internal and external challenges so you have to be resilient and have a strong character. You need to have an open mind and be prepared to ask and get asked lots of questions – not all of which you will know the answer. As a result, getting a good understanding of the organisation is really important and identifying the key areas of risk will enable you to prioritise your efforts accordingly.

Maintaining a solid understanding of the applicable legislation at all times is important so plan time to complete training, get relevant qualifications and attend networking and industry sessions to keep your knowledge current.

Q5. What do you see as the major challenge(s) in the year ahead?

Moving from the GDPR project towards a data privacy programme that has the right policies, procedures and overall level of accountability will be a challenge for the vast majority of large UK businesses, including TUI. There is a clear need and a desire to embed the ongoing culture of data privacy in the organisation now that GDPR is 'old news'. We have clear plans to execute this and to maintain the level of focus alongside all of the other business priorities this year.

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Emma Butler

Data Protection Officer at Yoti Ltd

Q1. What do you enjoy most about being a DPO?

Feeling like you're actually making a difference to people's privacy by helping your company get to where it wants to go, but in a privacy-friendly way. Knowing that your input had a positive influence on a new product or feature really makes the job worthwhile. I also enjoy being a DPO at a company whose values and principles align with my own, and who really do care about privacy and security and getting it right.

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

In general, I find a lot of ICO guidance too vague and simplistic, so while there is a lot of it on different topics, it never deals with the complex scenarios you actually come across in practice. (The one exception being the marketing guidance which is comprehensive, clear and has endured.) Topics not yet covered I'd like to see guidance on are:

- How non-EU companies doing business in the EU but with no EU establishments should actually comply with the GDPR representative requirement.
- How to deal with transfers where you have an EU controller > EU service provider (processor) > non-EU processor. There are no model clauses for this scenario and there is no direct contractual relationship between the EU controller and the non-EU sub-processor.

Q3. What was the biggest challenge you had to overcome in 2018?

Implementing GDPR compliance measures as the sole data protection person in a fast-growing and fast-moving technology company without getting in the way of product development efforts and technology innovation.

Emma Butler

Data Protection Officer at Yoti Ltd

Q4. What advice would you give to someone looking to move into a DPO role?

Decide what it is you actually want to do. The DPO role can mean different things to different people, and can vary by country. It can cover a broad range of activities from big-picture strategy and governance to drafting and reviewing policies to dealing with access requests and recording training done in spreadsheets.

Understand that knowing and being able to explain what the law requires is not enough. You need a mix of skills, and you need to be able to help your company with practical implementation solutions communicated in their language.

Decide if you want to be part of a team or work solo. Decide if you want to lead on the topic or not. Decide what types of companies / sectors you would be happy working in. Answering these questions will help you narrow down the right role in the right company.

Q5. What do you see as the major challenge(s) in the year ahead?

It can sometimes be difficult to maintain people's enthusiasm or interest in compliance measures once you move from implementing them to keeping them ticking over. Particularly the ones requiring more paperwork where there is no immediate or obvious connection to improving or maintaining individuals' privacy (one negative effect of GDPR).

Brexit also presents some challenges as small companies are not in a position to plan for multiple scenarios and then just press play on whichever comes to pass.

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Gerald Coppin

Deputy Group Data Protection Officer, Springer Nature

Q1. What do you enjoy most about being a DPO?

Being the DPO allows me to understand the operational aspects of the business as well as learning more about the products and services that we offer. We operate a number of different publishing activities for both domestic and international markets in the UK, Europe and further afield.

I enjoy being able to connect with colleagues to advise on how they can make the best use of the data that they have or want to collect and to explain to them our centralised strategic approach to data protection, and how they fit into that global approach. The DPO role allows me to connect with operational teams as well as senior management so being able to cascade down managerial support for data protection when I am visiting various offices within the company undertaking roadshows and workshops

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

Clarification on standards for information security with respect to data protection would be helpful. The concept that information security is “appropriate” for the data is not that helpful.

A key area for me is to enforce standard behaviours around data handling across our organisation and having updated guidance would be helpful in that regard. Also improved guidance on how data can be used across organisations.

Big Data is something that organisations can embrace, understanding more about their content and their customers, but only with the correct data protection mechanisms in place and I would welcome further guidance on how that can be achieved.

Q3. What was the biggest challenge you had to overcome in 2018?

The biggest challenge for me was the preparation and installation of systems and processes to capture article 30 records of processing activities. With literally thousands of different data processes taking place every day in the organisation, recording all of these was a huge task.

Gerald Coppin

Deputy Group Data Protection Officer at Springer Nature

It was clear that a commercial application would be needed, and it took a while to find the best option for us. Then it was looking at how we can record the varying types and uses of data to meet the recording requirement. This took some trial and error and needed the support of other departments in the organisation to get it right. As we have a very complex legal structure, with many systems, processes and data sources getting everything ready for the May 2018 deadline was not easy.

Q4. What advice would you give to someone looking to move into a DPO role?

When moving into a DPO role it can be daunting. I would suggest undertaking some initial training in the basics of GDPR and legislation and at a later stage exam and a qualification. In the early days of data protection in the UK you could learn on the job and focus on the UK regulator as your barometer for all matters DP.

In theory the GDPR is supposed to unify the approach to data protection but as we are seeing many countries are adding their own twist to implementation and regulation, so you have to make sure you are up to date on all of these developments. Also, it's important to understand who your lead regulator is. You may be in the UK for example as part of a European wide organisation but the lead authority of your organisation maybe in Germany or France, for example.

Patience will also be key. You will need to explain to colleagues how things have changed and what it means for them. With key requirements of accountability and transparency it's letting your colleagues know that they have to justify the use of the data, not you as DPO. The data is their clients, their contacts, their systems and products. They have to provide the accountability and transparency.

It's no easy task. In companies with complex legal structures it can be a tough job to explain to colleagues that the structure of the organisation can affect what products and services it can market and how and to whom.

Q5. What do you see as the major challenge(s) in the year ahead?

2019 will be a year of apprehension around the implications of Brexit and what changes will need to happen around how we process data. Will we need to convert data processing agreements to model clauses agreements if the UK leaves in the EU? What will be the impact on inbound and outbound international data transfers? Lots of unknowns.

2019 will see us continuing our accountability and transparency activities and we need to continue to monitor these whilst keeping an eye on regulators' updates and guidelines to ensure we are operating to their requirements.

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Matthew Kay

Group Data Protection Officer at Balfour Beatty

Q1. What do you enjoy most about being a DPO?

I enjoy the variety of working with all the different areas of the business and producing tangible solutions to challenges proposed by the business in respect of Data Protection and Privacy.

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

“Data controllers and data processors: what the difference is and what the governance implications are”, whilst the updated information on the website in respect of controllers and processors is useful it would be useful to see this document specifically updated with the introduction of a section on cloud service providers. It would also be useful to have additional clarity around ‘joint controllers’ and ‘controllers in common’ designations as we see a lot of confusion on these areas when engaging with other businesses.

Q3. What was the biggest challenge you had to overcome in 2018?

Creating and building a culture of data protection and privacy within my organisation as part of the implementation of our GDPR programme.

Q4. What advice would you give to someone looking to move into a DPO role?

Consider the organisation in respect of the risks they pose and do research to understand their approach to Data Protection and Privacy. Think about the challenges the organisation may pose and how you could address them. Think about your strengths and how you can use these within a DPO role to make it a success as well as acknowledging your weaknesses and what you need to work on to thrive in the role.

Think about your approach to risk management and mitigation and consider what your approach is in respect of data protection and privacy and how this is likely to interact with the business you would be working for and whether or not you can and would need to adapt your philosophy to meet organisational and legal expectations.

Q5. What do you see as the major challenge(s) in the year ahead?

Maintaining a sustained and engaged culture in respect of data protection and privacy. A lot has been made of organisations preparation for GDPR, but the reality is the key to compliance is ongoing maintenance and management of the work you have undertaken to help your organisation comply with the legislation.

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Richard Merrygold



Data Protection Officer at Homeserve and iStorm Solutions

Q1. What do you enjoy most about being a DPO?

It's not often someone asks what is enjoyable about being a DPO! For me, the most enjoyable part of the role is helping people to realise that data protection and privacy can actually be a really great asset to a business and most importantly that it doesn't have to be a complicated, legalistic activity!

I have spent much of my career working on this basis, dispelling myths, looking for innovative solutions to privacy related problems and generally helping businesses to understand their risk better. Seeing a business get a better understanding of the benefits of privacy related compliance is a really great feeling.

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

I'd like to see a much greater focus on accountability. Accountability is a key principle under both the GDPR and a solid privacy framework, but it is often really hard for a company to grasp what that actually means in practice. There is a lot of great guidance available from the ICO and trade/private organisations, but it can be quite high level or principle based.

In my experience businesses want real life examples and case studies that they can relate too, rather than just tick box guidance or best practice ideals. Accountability will look different for everyone but good examples of best practice in guidance documents goes a long way!

Q3. What was the biggest challenge you had to overcome in 2018?

The biggest challenge was convincing people that the GDPR is not just a fad and that the 25 May was not a deadline and was actually the beginning of a whole new era in data protection. There was such a huge influx in the number of "quick fix solutions" and templated privacy programmes that were available that I think people really started to believe that they just had to be compliant by that date.

Trying to explain to someone that being "fully compliant" is, in my opinion at least, not possible because of the nature of the GDPR and the fact that a good privacy programme is always evolving is a real challenge. I still feel like there is work to do in 2019 and beyond, but I do think the perception of what data protection means has seen a fundamental shift and the general public and businesses alike are starting to take notice.

Q4. What advice would you give to someone looking to move into a DPO role?

My first piece of advice would be to get involved as soon as possible. You don't need to start applying for roles straight away but start looking for opportunities within your business to get involved. Speak to your DPO (if you have one) or whoever is responsible for data protection and ask them if you can help.

Richard Merrygold

Data Protection Officer at Homeserve & iStorm Solutions

Next, I'd start reading, read everything, ICO guidance, news articles, LinkedIn etc. and sign up for free seminars and webinars so you get an idea of what is really involved. Once you've done that and decided a DPO role is for you, you can look into more tailored courses such as the BCS Certificate in Data Protection or the CIPP/E.

Remember though that there is no substitute for experience, so the sooner you get involved from a practical perspective the better.

Q5. What do you see as the major challenge(s) in the year ahead?

2019 is all about trying to maintain the momentum that we picked up last year. The challenge is how to do it. 2018 was a pivotal year for data protection and privacy as a whole, but it can easily become tomorrow's chip paper if we don't keep pushing forwards.

There are some fantastic new events coming into the industry and there is a real buzz so hopefully we will see another stellar year for the DPO profession and privacy rights overall.

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Claire Robson

Head of Governance Legal & Compliance and Data Protection Officer at Great Ormond Street Hospital Children's Charity

Q1. What do you enjoy most about being a DPO?

The variety of work is probably the most enjoyable aspect of being a DPO. Everything the Charity touches upon, or is impacted by, has a data protection implication. And for those activities or projects where I'm not automatically involved, it definitely serves to pique my curiosity that I can extend my "legal obligation" to involve myself!

I love the challenge of implementing data protection to ensure the Charity achieves its objectives and, given the wide remit of my role, I get to work with everyone, in every Team and at every level. For me, the whole legislative framework is fascinating, and I have been passionately advocating data protection compliance for many years. For many, I know the principle-based nature is frustrating, but I love the debate that naturally follows. Being a DPO forces me to stretch myself (admittedly sometimes to the point where chocolate is a necessity) and provides me with a personal challenge to keep up-to-date with, and on top of what is happening with things I might otherwise dismiss or not have time for.

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

There are a few areas where updated guidance would be beneficial. However, top of my wish list (at this particular moment in time) would be more detailed guidance on information sharing arrangements with third parties across each of the different types of relationships: data controller to data processor; data controller to data controller and joint data controllers.

Although there is guidance available for the common types of arrangements between organisations like the controller to processor relationship, when looking at something a little less ordinary, say, two independent controllers with an element of data processing thrown in for good measure; or a joint data controller arrangement, there seems to be much less available. This can sometimes be quite frustrating and can lead to more misconceptions than I'd hope for.

The misconceptions we commonly come across include a misunderstanding or misuse of the term joint data controllers; or a need by an organisation to insist they are the controller and we are their data processor. Certainly, a good template for an arrangement between joint data controllers would have been really useful recently!

Q3. What was the biggest challenge you had to overcome in 2018?

2018 threw up several challenges from becoming confident in advising on a new legislative regime, to reviewing consent models, contracts and refreshing retention schedules. We survived the biggest change in data protection legislation for years and despite everything the world didn't end on 25 May 2018! However, I reckon the biggest challenge we overcame was that old classic of time management.

Claire Robson

Data Protection Officer at GOSH

We juggled GDPR implementation with providing an operational service to the Charity and came out the other end – almost unscathed at that. GDPR was for us, like many other organisations, resource intensive. We had detailed and ambitious plans including a full review of data processing activities, documentation overhaul and a training refresh.

We challenged ourselves to stick to these plans as far as was humanly possible and sought to engage our colleagues without overburdening them with additional work. Whereas we were living and breathing GDPR for the months leading up to May and in many ways, we still are, for our colleagues GDPR was more like an interruption to business as usual and we sought to make that interruption as “polite” as possible. They still had their jobs to do and objectives to meet and we still needed to support them in doing so. I couldn’t be prouder of my small team and what they achieved during 2018 whilst keeping their heads and spirits high.

Q4. What advice would you give to someone looking to move into a DPO role?

Get as much practical experience as possible, ideally in as many sectors as you can. Then understand your organisation, its strategy and objectives, and apply your practical knowledge as much as, if not more than, your legislative knowledge. Legislative knowledge is, obviously, essential however, it’s unlikely you’ll ever win brownie points (other than with your fellow privacy professionals) for being able to quote articles and sections verbatim.

How you apply your knowledge and expertise to real life situations will be your main benchmark. Data protection has a broad description with massive reach that is relevant to every individual. Your role is to help people realise that it does matter, and it is important. I firmly believe that the art to being a successful and respected DPO is the ability to convert this legislative framework, which is often described to me as complicated, contradictory and unhelpfully vague, into a form and language that is relevant and easier to understand (I’d never profess data protection to be easy!). Use the strengths of your organisation, its culture and values, to your advantage and you’ll be able to implement data protection in a pragmatic way that engages and empowers everyone.

Q5. What do you see as the major challenge(s) in the year ahead?

Let’s get the obvious one out of the way first. Brexit and the challenges faced by organisations on how this will impact their data protection practices. The extent of information shared and received in and across Europe, as well as the incidental impact on any organisations relying upon the EU-US privacy shield as an appropriate mechanism for data sharing with US partners.

Even though we have limited reach outside the UK, it’s something we’ve started looking at. As much as anything, it’s the uncertainty of the level of work, if any, required to be compliant beyond the 29 March 2019 that makes this a challenge.

Claire Robson

Data Protection Officer at GOSH

Whereas 2018 was all about implementation of GDPR, I'd say that the challenge for 2019 is all about embedding, monitoring and enforcing/re-enforcing compliance with everything done during 2018. So much work and effort was put into getting to 25th May, the important thing now is to not rest on our laurels and continue to drive forward with those principles of accountability and transparency. Therefore, moving from fundamental compliance to best practice is part of our journey plan for 2019.

Finally, for those working in the communication or marketing industries, the ePrivacy Regulation looms on the horizon. We know that the UK is updating the current UK legislation on 29 March to formally take the GDPR definition of consent into account. However, will the Regulation itself actually pass through EU Parliament and become law during 2019? What will the requirements for cookies and tracking look like if it does? And, more importantly, how will this affect UK organisations following our departure from the EU? One thing is certain, another interesting year ahead for DPOs.

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Susan Voss

Legal Compliance Officer and Data Protection Officer at Bauer Media

Q1. What do you enjoy most about being a DPO?

Being responsible for the overseeing of the data protection strategy and implementation to ensure compliance with GDPR requirements. It means that you work closely with external teams and external organisations, plus you also work autonomously at times.

Q2. What data protection topic(s) would you most like to see updated guidance on and why?

Cookies and data processing agreements with ad clients are a hot topic in our business and it would be good to get some more guidance on this, and some clear guidance on who is the data controller/data processor. Brexit is another topic that is high on the agenda.

Q3. What was the biggest challenge you had to overcome in 2018?

The biggest challenge was GDPR as it impacted every department and practically every employee and it created a complex web of rules that we needed to translate to business in a way that everyone could understand. As well as this there is an increase responsibility in having policies, procedures and controls in place to create an ethical business in regard to processing data and data privacy.

Q4. What advice would you give to someone looking to move into a DPO role?

Have a good knowledge of data protection law. Be able to act in an independent manner. Have broad business expertise to understand how the processing works and how privacy should be implemented to integrate smoothly. Be able to negotiate and have good communications skills as you have to speak to a wide-ranging audience, from board members to data subjects, managers, IT staff and lawyers. Plus, have a great enjoyment for paperwork and processes.

Susan Voss

Data Protection Officer at Bauer Media

Q5. What do you see as the major challenge(s) in the year ahead?

The ongoing compliance of GDPR, to keep it in the forefront of the teams and remind them that it did not end on the 25th May 2018.

Brexit is another area that I feel is going to dominate 2019 and how the data will flow to and from the UK to EEA, this is likely to be via standard contractual model clauses, which means that the majority of organisations will have work to do around putting these in place.

The ePrivacy - the new Regulation was intended to come into effect on 25th May 2018, alongside GDPR, it appears it is unlikely to apply in 2019, but it is something that we need to watch for.

We haven't seen a major enforcement actions as yet, but the much-discussed potential fines of annual global turnover, remain forefront in most DPO's mind. The increase in subject access requests is also a challenge for organisations. The fact that charges cannot be imposed, and the deadline is reduced, dealing with these is posing increased issues in that either the organisation fails to meet the deadline, or the individual is not satisfied with the response, which could result in complaints to the ICO, which potentially could lead to enforcement action.

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The DPN was founded by the data protection consultancy Opt-4.